

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by district/school employees as defined by Oregon law and CESD is prohibited. All district employees are subject to this policy.

Oregon law defines "sexual conduct" as any verbal or physical conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student's educational performance; and creates an intimidating, hostile or offensive educational environment.

CESD extends this definition: any verbal or physical conduct by a school employee that is sexual in nature; directed toward any child or student, age 0 - 21, who is served by CESD; unreasonably interferes with a student's educational performance; and creates an intimidating, hostile or offensive educational environment.

The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Child Abuse.

Any district/school employee who has reasonable cause to believe that another district/school employee has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor and director of human resources.

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses and the district employee who is the subject of the report. The investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the employee that the report has been substantiated and provide information regarding the appeal process. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee's personnel file.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee's personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The district will post in employee handbooks the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the director of human resources will follow upon receipt of a report. When the director of human resources takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district employee in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees regarding the prevention and identification of sexual conduct. The district will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

The district will make training on the prevention and identification of sexual conduct available each year to parents and legal guardians of children who attend CESD classrooms. The training will be provided separately from the training provided to district employees. The district will also make training on the prevention and identification of sexual conduct available each year to K-12 students in CESD classrooms.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374, 339.378 and 339.384 for all district employees.

END OF POLICY

Legal Reference(s):

[ORS 339.370](#)
[ORS 339.372](#)
[ORS 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)
[ORS 418.746 to-418.751](#)
[ORS 418.990](#)
[ORS 419B.005 to-419B.045](#)

Cross Reference(s):

JHFE - Reporting of Suspected Child Abuse